

Notifications (cont.)

2. Status of Release of Defendants or Prisoners

You must give the sheriff, jail superintendent or Department of Corrections (DOC) your current name, address, and telephone number, in writing, if you wish to be notified of the following events relating to the custody of the defendant:

- Escape from jail, prison, etc.
- Transfer from one jail or prison to another
- Legal change of name
- Release (including work release) from jail, prison, etc.
- Discharge from custody
- Placement on parole

To be notified of state prisoners’ statuses, contact the Victim Services Section of DOC, (800) 560-4292.

You may be required to provide additional information (e.g. prisoner’s name, date of sentencing, type of offense) when requesting notification.

3. Appeals to the Virginia Court of Appeals or Habeas Corpus

You must give the Attorney General’s Office your current name, address, and telephone number, in writing, if you wish to be notified if and when:

- An appeal to the Virginia Court of Appeals is granted
- A habeas corpus petition has been filed

You may contact the Attorney General’s Office at (804) 371-7763 or (800) 370-0459.

Victim Input

Right to Remain in Courtroom

Victims have the right to remain in the courtroom during all court proceedings (bail or bond hearings, preliminary hearings, trials, etc.) which the defendant attends, unless the judge has determined that the victim is a material witness.

Additionally, in any case involving a victim who is under the age of 18, the court may permit an adult chosen by the victim to remain in the courtroom as a support person for the victim, if that person is not a material witness.

Victim Impact Statement

In certain cases and under specific circumstances, after the defendant is found guilty, the judge may consider a Victim Impact Statement(s) in determining the offender’s sentence. The Victim Impact Statement gives the victim the opportunity to tell the court, in writing, the impact of the crime(s).

Victim Input

Crime victims who wish to have input into the parole process for parole eligible prisoners, may do so by contacting the Virginia Department of Corrections Victim Services Section, 6900 Atmore Drive, Richmond, VA 23225, (800) 560-4292.

You can obtain further information by reading the brochure, “An Informational Guide to Virginia’s Crime Victim and Witness Rights Act.” This brochure and further information and assistance can be obtained from your local victim/witness program, commonwealth’s attorney’s office, police department, or sheriff’s office.

Courtroom Assistance

Closed Circuit Television

To reduce the trauma experienced by child victims when they must testify, the law permits the use of closed-circuit television in certain criminal proceedings, including preliminary hearings, involving alleged offenses against children aged 12 or younger in kidnapping, criminal sexual assault, or family offenses.

Closed Preliminary Hearing

In cases of sexual assault, prelliminary hearings may be closed to the public. You may wish to speak to the prosecutor to find out if your preliminary hearing can be closed. However, trials are open to the public.

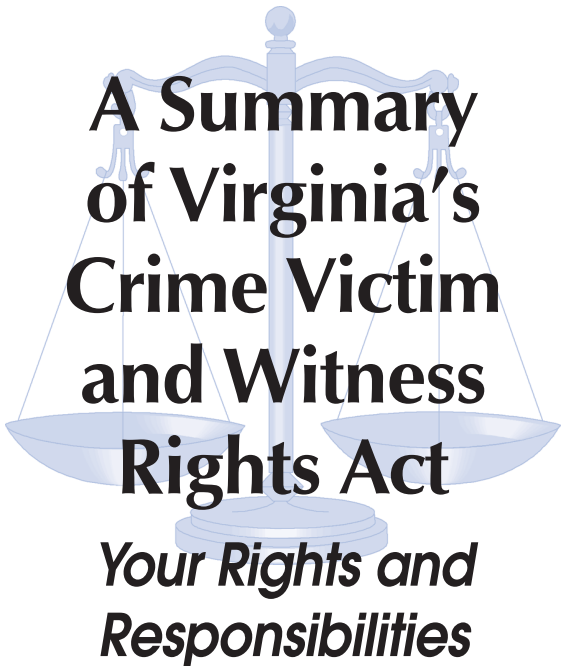
Confidentiality

A crime victim has the right to request that certain information remain confidential. A crime victim may request that courts, police departments, sheriff’s offices, prosecutors, and the Department of Corrections not disclose his or her home address, telephone number, or place of employment. To request confidentiality, the victim must file a Request for Confidentiality by Crime Victim Form (DC-301) with the magistrate, court, commonwealth’s attorney, police department, or sheriff’s office in the locality where the crime occurred.

Interpreters

If you cannot speak English or you are hearing impaired, a court approved interpreter may be appointed to assist you during the criminal justice process at no cost to you.

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Commonwealth of Virginia  
Department of Criminal Justice Services  
Victims Services Section

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## Introduction

This brochure provides information about the rights and responsibilities of crime victims and witnesses under the “Crime Victim and Witness Rights Act” (sometimes called the Victims’ Bill of Rights) and related laws. Additional information can be found in the brochure, “An Informational Guide to Virginia’s Crime Victim and Witness Rights Act.”

## Definition of Victim

The Victims’ Bill of Rights and most other victims’ rights laws recognize the following individuals as crime “victims”:

- Anyone suffering physical, emotional or financial harm as a direct result of a **felony** or **certain misdemeanors**

The definition of victim includes:

- Spouses and children of all victims
- Parents and guardians of minor victims, mentally or physically incapacitated victims, or victims of homicide

## Rights of Crime Victims and Witnesses

The purpose of the Victims’ Bill of Rights is to ensure, where legally allowed, that victims and witnesses of crime:

- Are informed of their rights
- Are treated with dignity, respect, and sensitivity and that their privacy is protected
- Receive authorized services
- Have the opportunity to be heard at all critical stages of the criminal justice process
- Can make the courts aware of the full impact of the crime

## Your Responsibilities as a Victim or Witness

As a victim or witness of crime, you have certain rights under the Victims’ Bill of Rights. There are specific steps you need to take in order to receive these rights. It is important that you read each of the sections relating to the five areas of the Victims’ Bill of Rights to determine what steps you need to take. These five areas are:

- Victim and Witness Protection
- Financial Assistance
- Notifications
- Victim Input
- Courtroom Assistance

Please remember that you have to take certain steps to request that you be provided with these rights and services.

## Victim and Witness Protection

### Protective Orders (Family and Household Members)

A protective order is an order issued by judges, or in emergencies, magistrates, to protect a victim from abuse. These orders prohibit the accused person from some, or all contact with you.

### Stalking

If you are the victim of stalking, the judge or magistrate can issue an order prohibiting the accused person from contact with you.

### Separate Waiting Areas

Some courthouses have separate waiting areas for victims and witnesses in order to provide them privacy and protection from intimidation.

## Financial Assistance

### Compensation for Witnesses

Victims and witnesses traveling from out of town may be entitled to payment for mileage, tolls, meals, and lodging for each day’s attendance in court.

### Property Return

To assist in the investigation and prosecution of certain crimes, law enforcement authorities may hold your property as evidence. The law allows them to photograph and return certain evidence to you before the trial. However, law enforcement may hold your property until after the trial and any appeals.

### Restitution

If you are a crime victim, the defendant may be ordered to repay you under certain circumstances, at least partially, for your losses.

### Victims’ Compensation

If you are the victim of a crime in Virginia and if you were injured during the crime or you are the surviving spouse, parent, grandparent, sibling, or child of a victim who was killed because of a crime, then you may be compensated for certain unreimbursed losses such as loss of earnings, medical expenses, or funeral expenses.

The prosecutor and/or victim/witness program staff can advise you on how to apply for victims’ compensation and, if necessary, assist you with the application. You may contact the Criminal Injuries Compensation Fund directly by calling (800) 552-4007.

## Notifications

### Employer Intercession

If you are subpoenaed to court and you give reasonable notice at your workplace, your employer may not fire you, discipline you, or require you to use vacation or sick leave in order to go to court. However, your employer is not required to pay you for your time in court.

### How to Obtain Notifications

This section tells you how to obtain notifications as outlined in the Victims’ Bill of Rights. You are eligible to be notified of changes in court dates, the status of an offender, or certain appeals if you are a victim, or if you have been chosen by a victim under the age of 18 to receive notices. You can get further information and assistance about your rights to notification from your local victim/witness program.

### 1. Notices of Court Dates

You must give the Commonwealth’s Attorney your current name, address and telephone number, in writing, if you wish to be notified in advance of the scheduled court dates for:

- Preliminary hearings
- Trials
- Sentencing hearings

